



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: East West Research, Inc.--Request for
Reconsideration

File: B-236723.2

Date: March 29, 1990

Richard Snyder, for the protester.
George Ruppert, Esq. and John M. Melody, Esq., Office of the
General Counsel, GAO, participated in the preparation of the
decision.

DIGEST

Request for reconsideration is denied where protester
presents no evidence showing that prior decision was
factually or legally erroneous.

DECISION

East West Research, Inc., requests reconsideration of our
decision, East West Research, Inc., B-236723, Dec. 8, 1989,
89-2 CPD ¶ 531, in which we denied its protest against the
rejection of its proposal under small purchase request for
quotations (RFQ) No. DLA400-89-Q-N750, issued by the Defense
Logistics Agency (DLA) for 200 pounds of welding electrode,
part number Certanium 889.

We deny the request.

We denied East West's original protest on the ground that
rejection of the firm's proposed alternate to the specified
item was reasonable since the protester failed to provide
sufficient information for the agency to determine the
acceptability of the alternate. Specifically, East West did
not furnish requested information showing the chemical
composition of the specified item and the firm's alternate.
DLA claimed this information was necessary to determine the
equivalence of the alternate. As East West also submitted
no independent technical documentation to support its
contention that comparison of the chemical compositions is
not necessary to determine the acceptability of its elec-
trode, we had no basis for questioning DLA's technical
judgment that chemical composition indeed is relevant to

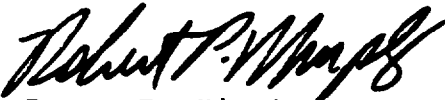
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determining the suitability of an electrode for a certain application. We further found no basis in the record for East West's assertion that DLA lacks the necessary expertise to evaluate the chemical composition even had East West furnished this information; DLA stated that it did in fact have available suitable experts.

In its request for reconsideration, East West asserts that the agency misled our Office by implying that there was some intent to submit the chemical composition for evaluation; East West contends that DLA never intended to make use of the individuals who were accessible to the agency and that the agency does not have the funding for any testing of alternate offers.

East West's speculation that the agency did not intend to evaluate the chemical compositions--had East West furnished them--is misplaced. Our prior decision held that the agency properly requested the information, noted that East West had not provided it, and concluded therefore that East West's proposed alternate was properly rejected. Speculation as to whether the agency would have properly evaluated the information if it had been submitted is simply irrelevant where the information was necessary for evaluation of the proposed alternate. In any case, there was nothing in the record--and East West has presented no evidence here--indicating that the agency was not requesting the information in good faith, with the intention of considering it in evaluating East West's offered alternate item.

The request for reconsideration is denied.


for James F. Hinchman
General Counsel